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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,474	08/09/2004	Thomas Margaria	04125	6829
23338 7590 07/13/2007 DENNISON, SCHULTZ & MACDONALD 1727 KING STREET SUITE 105 ALEXANDRIA, VA 22314			EXAMINER MAI, NGOCLAN THI	
			ART UNIT 1742	PAPER NUMBER
			MAIL DATE 07/13/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/500,474	<b>Applicant(s)</b> MARGARIA, THOMAS	
	<b>Examiner</b> Ngoclan T. Mai	<b>Art Unit</b> 1742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 15-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-19, 28 and 29 is/are rejected.
- 7) ☒ Claim(s) 20-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***DETAILED ACTION***

1. Amendment filed 4/3/07 has been entered, wherein claims 1-14 canceled and claims 15-28 added. The added claims contain two claims labeled 24, thus the second of claim 24 and claims added thereafter are renumbered as claims 25-29, per 37 CFR 1.126.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Response to Arguments***

3. Applicant's arguments, see pages 5-6, filed 4/3/07, with respect to claims 1-6, 11, 12 and 13 have been rejected under 35 USC 102(b) as anticipated by JP 11-277210, or under 35 USC 102(a) as anticipated by the corresponding US patent to Margaria et al, and claims 1-7 and 11-12 being rejected under 35 USC 102(b) as anticipated by Moore et al. have been fully considered and are persuasive. The rejections of these claims have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Meacock, II et al.

***Claim Rejections - 35 USC § 112***

4. Claims 28-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 28 recites process for manufacturing a powder product, wherein the product optionally contains inert mineral powder. However the process specifically requires the forming of a powder premix of at least one strongly reducing metal and the inert mineral powder. The product produce from this process must contain inert mineral. The claim

therefore is confusing and does not clearly define the metes and bounds of the claimed invention.

Claim 29 is rejected for depending on rejected base claim.

***Claim Rejections - 35 USC § 102***

5. Claims 15, 17, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Meacock, II et al.

Meacock discloses a powder product for coating a molding surface of a brake element casting mold comprising nodularizing agent such as ferrosilicon alloy and magnesium agent, col. 2, l. 1-2 and col. 3, l. 34-41. Magnesium agent which has boiling of about 650 C would be expected to be volatile at the temperature of liquid cast iron, i.e., between 1370 to about 1430 C) col. 3, l. 27-30. With respect to the "for the protection of centrifugal casting molds used for the manufacture of cast iron pipes", such recitation in the claim is statement of intended use, which carries no weight in the claims. Such recitation of the claim has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structure limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

***Claim Rejections - 35 USC § 103***

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meacock, II et al.

Meacock, II et al teaches the powder product substantially as claimed. Meacock, II et al however does not teach a mixture of a plurality of inoculating alloy. Meacock, II however teaches nodularizing agents iron-containing agent such as ferrosilicon alloys, containing iron, calcium, magnesium and silicon is preferred but other alloys contain lithium, strontium, barium, cerium, lanthanum and thorium are also suitable, col. 3, l. 34-42. Therefore, combining two or more inoculating alloys each is taught for the same purpose would have been obvious to one skill in the art.

***Allowable Subject Matter***

7. Claims 20-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoclan T. Mai whose telephone number is (571) 272-1246. The examiner can normally be reached on 9:30-6:00 PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1742

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

n.m.

  
ROY KING  
SUPERVISORY PATENT EXAMINER  
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